

Before the
Federal Communications Commission

Washington, D.C. 20554

In the Matter of)
)
 Amendment of Section 73.202(b))
 (Table of Allotments))
 FM Broadcast Stations)
)
 Butler and Reynolds, Georgia)

MM Docket No. 01-⁵05

RM-10028

RM-_____

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MAR 5 2001

FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

To: Chief, Mass Media Bureau
 Policy and Rules Division
 Allocations Branch

COUNTERPROPOSAL

Fort Valley State University ("the University"), by its attorneys, and pursuant to Section 1.420(d) of the Commission's Rules, hereby respectfully files this counterproposal to the Commission's *Notice of Proposed Rule Making ("NPRM")*, DA 01-60, released January 12, 2001,¹ that proposes to allot Channel 245A to Butler, Georgia, as its first local service. The *NPRM* was issued due to a petition filed by H. David Hedrick ("Hedrick"). The University requests the Commission to deny the Hedrick proposal, and instead, amend Section 73.202(b) of the Rules to add Channel *245A to Reynolds, Georgia, as its first local service, and reserve the channel for noncommercial educational ("NCE") use by appending an asterisk (*) to Channel 245A in the Table of Allotments under Reynolds, Georgia. In support whereof, the following is shown:

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¹ This counterproposal is mutually exclusive with the proposal to allot Channel 245A to Butler, Georgia. Comments and counterproposals are due by March 5, 2001, so this counterproposal is timely filed.

Background

1. The University requests the Commission to allot Channel *245A to Reynolds, Georgia, as that community's first local service with a request that the channel be reserved for noncommercial educational use by the University. Attachment A is a Technical Exhibit, which is incorporated herein by reference, that provides the Commission with technical information about the proposed Reynolds allotment.

Butler, Georgia

2. Hedrick proposes to allot Channel 245A to Butler, Georgia, as its first local FM transmission service at coordinates North Latitude 32° 33' 25"; West Longitude 84° 14' 18" with a transmitter site restriction 14.6 kilometers (9.1 miles) northeast of Butler. According to the NPRM, Butler, Georgia, had a 1990 population of 1,673 persons.

Reynolds, Georgia

3. The Technical Exhibit shows that Reynolds, Georgia, is an incorporated city that had a 1990 Census population of 1,166 persons. Reynolds was founded in 1853 and incorporated in 1915. It has its own Post Office with ZIP Code 31076.² Reynolds has a municipal police department and fire department. There are ten churches in Reynolds. Reynolds has a Community Library. Electric Power is provided by Flint Electric Membership Corp. Telephone service is provided by Public Service Communications. There is a bank, Citizens State Bank – Tyler County, grocery stores, four restaurants and other businesses.³ In light of the existence of the foregoing elements, Reynolds possesses the requisite "social, economic and cultural components that are commonly associated with community status." *See, FM Table of Allotments*

²Source, counsel's telephone call to the Reynolds City Hall (478-847-3435).

³This information was obtained from a search of the Internet using Yahoo® to locate information for Reynolds, Georgia.

(East Hemet, CA), 67 RR 2d 146, 147 (1989). The allotment of Channel *245A would bring first local service to Reynolds, since Reynolds currently does not have a local station. Reynolds is not located in an Urbanized Area. The Technical Exhibit shows that from the allocation site at **North Longitude 32° 31' 32", West Longitude 84° 07' 15"** the proposed city grade contour of a maximum Class A station would cover the entire community of Reynolds.

Need for Reservation of Channel for Noncommercial Educational Use

4. The University requests that Channel *245A be allotted to Reynolds, Georgia, and be reserved for noncommercial use by the University. Fort Valley State University⁴ is located in Fort Valley, Georgia, a community approximately 12 miles east of Reynolds. Fort Valley State University is located in Peach County partially in the city limits of Fort Valley on State University Drive. It serves approximately 2,600 students, 93.5% of whom are African-American, 5.5% white and 1% other races. Geographically situated in the center of the state, the University is less than two hours from Atlanta, approximately ten miles west of I-75 between Macon and Perry on Highway 49, and approximately seventy-five miles east of Columbus on Highway 96. The University set for itself standards which have resulted in its being accredited and/or approved by numerous organizations and associations.⁵ The history of the University is set forth in Attachment B.

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⁴ Information was obtained from the University's website, <http://www.fvsu.edu>.

⁵ Accreditation Board of Engineering Technology, Inc.; American Association of Collegiate Registrars and Admission Officers; American Association of Colleges for Teacher Education; American Association for Higher Education; American Council on Education; American Dietetics Association; American Home Economics Association; American Library Association; American Personnel and Guidance Association; American Veterinary Medical Association; Association of Administrators of Home Economics; Association of American Colleges; College Entrance Examination Board; College Placement Council, Inc.; Committee for the Humanities; Conference on College Composition and Communication; Conference of Southern Graduate Schools; Council of 1890 College Presidents; Council on Rehabilitation Education; Engineering' Council for Professional Development/Accreditation Board for Engineering and Technology (ECPD/ABET); Georgia Association of Colleges for Teacher Education;

5. The University has, for some time, been exploring the construction of a non-commercial educational FM station to serve the area around Fort Valley and serve as a teaching aid to its broadcasting students. An application was prepared for a new noncommercial educational station in the reserved band, but before it could be filed, a noncommercial educational station in a nearby community filed a minor-change application that precluded the new FM station for the University. The Broadcasting Club, made up of University students, filed an application for a low power FM station, but recent changes to the law by the U. S. Congress will result in that application not being grantable. The Technical Statement shows that there are no channels available in Fort Valley or Reynolds in the reserved portion of the FM band. Channel *245A cannot be allotted to Fort Valley, but it can be used at Reynolds, and the main studio of the station could be located on the University's campus in Fort Valley. The University is aware of its requirement to serve the residents of Reynolds, but is also cognizant of an obligation to serve the other communities surrounding Reynolds, including Fort Valley and Butler. This is simply the last opportunity available for the University to operate a noncommercial educational station. As shown below, the public interest would be served by allotting a noncommercial educational channel to Reynolds that would permit a university with a very high enrollment of African-American students to fulfill its mission by providing a noncommercial educational radio service and assist in the education of its students.

Georgia Council of Teachers of English; Georgia Library Association; Georgia Professional Standard Commission ; Georgia State Department of Education; Georgia Veterinary Medical Association; National Association of Campus Activities; National Association of College Deans, Registrars and Admission Officers; National Association of College and University Business Officers; National Association for Equal Opportunity in Higher Education; National Association of Intercollegiate Athletics; National Association of Remedial Learning Support Services in Post Secondary Education; National Association of State Universities and Land-Grant Colleges; National Association of Student Personnel Administrators, Inc.; National Collegiate Athletic Association; National Council for Accreditation of Teacher Education; National Council of Teachers of English; Southern Association of Colleges and Schools; Southern Intercollegiate Athletic Association; Southern Regional Library Association; The Georgia Consortium, Inc. and Veterans Administration.

6. Generally, noncommercial educational stations operate within the reserved portion of the FM band (Channels 201-220). However, exceptions have been made where channels in the noncommercial educational band are not available because of foreign allotments (Canadian or Mexican) or potential interference to operation on VHF Television Channel 6. *Rochester, Minnesota, and Clear Lake and Osage, Iowa*, 6 FCC Rcd 2060 (1991) and 7 FCC Rcd 6506 (1992). In the Commission's recent Report and Order, *Reexamination of the Comparative Standards for Noncommercial Educational Applicants*, 15 FCC Rcd 7386 (2000), *reconsideration granted in part and denied in part*, FCC 01-64, __ FCC Rcd __ (released February 28, 2001) [*"NCE Applicants"*], the Commission relaxed the requirements for designating a non-reserved band channel for non-commercial use. The Commission decided to expand opportunities to allocate channels from non-reserved to reserved, and "adopted a 'needs test' for future rule making requests which ask that non-reserved channels not already in the Table of Allotments be added and reserved for NCE use. For these future allocations requests, an NCE entity can show that the need for an NCE station is greater than the need for a commercial station. An NCE proponent could so demonstrate by showing that:

(A) the NCE radio proponent is technically precluded from using the reserved band by existing stations or previously filed applications...; and

(B) the NCE proponent would provide a first or second radio...NCE service to 10% of the population within the proposed allocation's 60 dBu (1 mV/m) service contour..." [*NCE Applicants* at ¶114].

The attached Technical Exhibit demonstrates that the University's counterproposal meets these tests. No reserved channel is available to serve Reynolds with an NCE service. There are

5,336 persons that would receive a second NCE service from the University's proposed station. The Technical Exhibit shows that 13.75% of the persons receiving the new NCE service would receive a second NCE service.

Comparison of Communities

7. Reynolds is preferred to Butler under the Commission's rule making procedures and section 307(b) of the Communications Act of 1934, as amended. In determining which proposal will better serve the public interest, the Commission is guided by the allotment priorities set forth in *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982). Under priority three, first local service, both the communities of Butler and Reynolds are essentially equal. When viewed under the totality of the circumstances, the slightly larger population of Butler should be deemed of non-decisional value. However, under priority four, other public interest matters, Reynolds is preferred since the proposal to allot a first local FM channel to Reynolds for noncommercial educational use would better serve the public interest than the allotment of another commercial station to the area. The University has demonstrated that there is a greater need for noncommercial service in the Reynolds/Fort Valley area. The allotment of Channel *245A to Reynolds would provide a second NCE FM service to a substantial number of residents of the Reynolds area. In such case, Channel *245A should be allocated as "reserved" and only NCE applicants would be able to apply to use the channel in the next application filing window. The Technical Exhibit shows that Butler receives 60 dBu commercial service from three stations (WQBZ serves 75% of Butler). When comparing a fourth commercial service to Butler with a second noncommercial service to a significant population (as proposed by the University), there would be a preferential arrangement of allotments resulting from the allotment of Channel *245A to Reynolds.

Expression of Continuing Interest

8. If the Commission allots Channel *245A to Reynolds, the University will, during any future "window" period file an application or applications for a construction permit for a new noncommercial educational FM station on Channel *245A at Reynolds, Georgia, and if the University obtains a construction permit, the University, or an affiliate, will construct and operate the facilities within the time allotted by the Commission.

Conclusion

9. The University requests the Commission to allot Channel *245A to Reynolds, Georgia, and deny the proposal to allot Channel 245A to Butler, Georgia. As stated supra, if the FCC allots Channel *245A to Reynolds, The University or an affiliate will timely file an application for construction permit for a new FM station on Channel *245A at Reynolds, Georgia, and upon grant thereof, the University will construct the station and operate it.

WHEREFORE, the University respectfully requests the Commission to amend Section 73.202(b) of the Commission's Rules, as follows:

Georgia

Reynolds

Present

Proposed

*245A

Respectfully submitted,

FORT VALLEY STATE UNIVERSITY

By:



Gary S. Smithwick
Its Attorney

SMITHWICK & BELENDIUK, P.C.
5028 Wisconsin Avenue, N.W., Suite 301
Washington, D.C. 20016
(202) 363-4050
March 5, 2001

ATTACHMENT A

**Counterproposal to MM Docket No. 01-05
Filed by Fort Valley State University
Reynolds, Georgia
March 2001**

TECHNICAL EXHIBIT

This Technical Exhibit supports the Counterproposal to MM Docket No. 01-05 and is prepared on behalf of Fort Valley State University ("Fort Valley"). Fort Valley hereby counterproposes the allotment of Channel 245 A to Butler, Georgia with *245 A at Reynolds, Georgia. Additionally it is requested to make the new Reynolds allotment a noncommercial educational allotment.

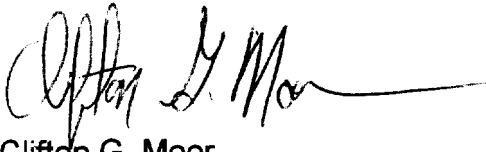
Fort Valley, for a variety of reasons, has had great difficulty if procuring a noncommercial educational broadcast outlet. This writer has personally worked with staff members of Fort Valley State University for years in an attempt to apply for and obtain the needed station. After the frequency search was conducted a NCE application was compiled. While getting the requisite signatures from the Georgia Board of Regents (controlling entity of Fort Valley), another NCE broadcaster filed to improve a distant facility. This first come/first served application took precedence over the Fort Valley planned station. Next, The Broadcasters Club (of Fort Valley State University) had hopes of obtaining a LPFM station. These hopes were dashed when their desired channel was discounted due to the inclusion of third adjacent stations.

Reynolds, Georgia has a 1990 Census population of 1,166 persons and is in Taylor County. There are no broadcast stations licensed to any city in the entire county. 38,802 persons would be within the proposed 60 dBu class maximum contour of this station from the requested allocation coordinates of 32° 31' 32" North Latitude and 84° 07' 15" West Longitude. All §73.207 allocation requirements are met at this location. Exhibit #1 is the tabulation of spacing requirements. From this location, the 60 and 70 dBu contours cover all of Reynolds (see Exhibit #2).

MM Docket No. 95-31 has provided guidance in requesting this non-reserved channel to be limited to NCE use only. Exhibit 3 is the area that this proposal provides second NCE service. This is drawn on a census map in order that the number of persons served by this second NCE station can be counted. In this area of second NCE service, there are 5,336 persons. Clearly 13.75% of persons receiving the proposed new NCE service will be receiving their second NCE service. A search was endeavored to locate a reserved channel that would serve Reynolds with NCE service. No channel was located. Currently Butler receives 60 dBu commercial service from WVRK and the licensed site of WWFJ. WQBZ serves 75% of Butler.

Fort Valley State University primarily serves minority students. Making this NCE allotment at Reynolds will assist the University in providing education opportunities to its students. No over-the-air broadcasting is available to students other than the carrier current AM system that can be heard in selected buildings on the campus.

All statements and calculations contained herein are thought to be true and accurate to the knowledge of the undersigned.

A handwritten signature in black ink, appearing to read "Clifton G. Moor", with a long horizontal flourish extending to the right.

Clifton G. Moor
Technical Consultant

March 2, 2001

Searching from Allocation Reference Site
Reynolds Georgia

REFERENCE

32 31 32 N

84 07 15 W

CLASS = A

Current Spacings

----- Channel 245 - 96.9 MHz -----

DISPLAY DATES

DATA 02-02-01

SEARCH 03-02-01

Call	Channel	Location		Dist	Azi	FCC	Margin
RADD	ADD 245A	Butler	GA	11.57	287.6	115.0	-103.43
WVMGFM	LIC 244A	Cochran	GA	72.47	99.9	72.0	0.47
WRDO	LIC 245A	Fitzgerald	GA	119.89	136.3	115.0	4.89
WDJR	LIC 245C	Enterprise	AL	235.16	221.1	226.0	9.16
WFOX	LIC 246C	Gainesville	GA	179.12	7.7	165.0	14.12
WRNCFM	LIC 243C3	Gray	GA	58.25	30.9	42.0	16.25
WJIZFM	LIC 242C1	Albany	GA	96.74	183.1	75.0	21.74
WLDA.C	CP 244A	Peachtree City	GA	114.79	338.8	72.0	42.79
WLDA	LIC 244A	Peachtree City	GA	115.42	331.7	72.0	43.42
WMXA	LIC 244A	Opelika	AL	117.44	272.5	72.0	45.44
WAKB	LIC 245C3	Wrens	GA	190.00	64.0	142.0	48.00
WUFFFFM	LIC 248A	Eastman	GA	91.08	111.2	31.0	60.08
WMGRFM	CP 247C	Bainbridge	GA	157.33	194.8	95.0	62.33
WMGRFM	LIC 247C	Bainbridge	GA	157.36	194.8	95.0	62.36
WHTA.C	CP 248C3	Fayetteville	GA	114.79	338.8	42.0	72.79
WHTA	LIC 248C3	Fayetteville	GA	115.56	338.3	42.0	73.56

\$73.207 Allocation Study

EXHIBIT #1
Counterproposal
to MM Docket No. 01-05
Fort Valley State University
Reynolds, Georgia
March 2001

BROMO
COMMUNICATIONS

BROADCAST
TECHNICAL CONSULTANTS

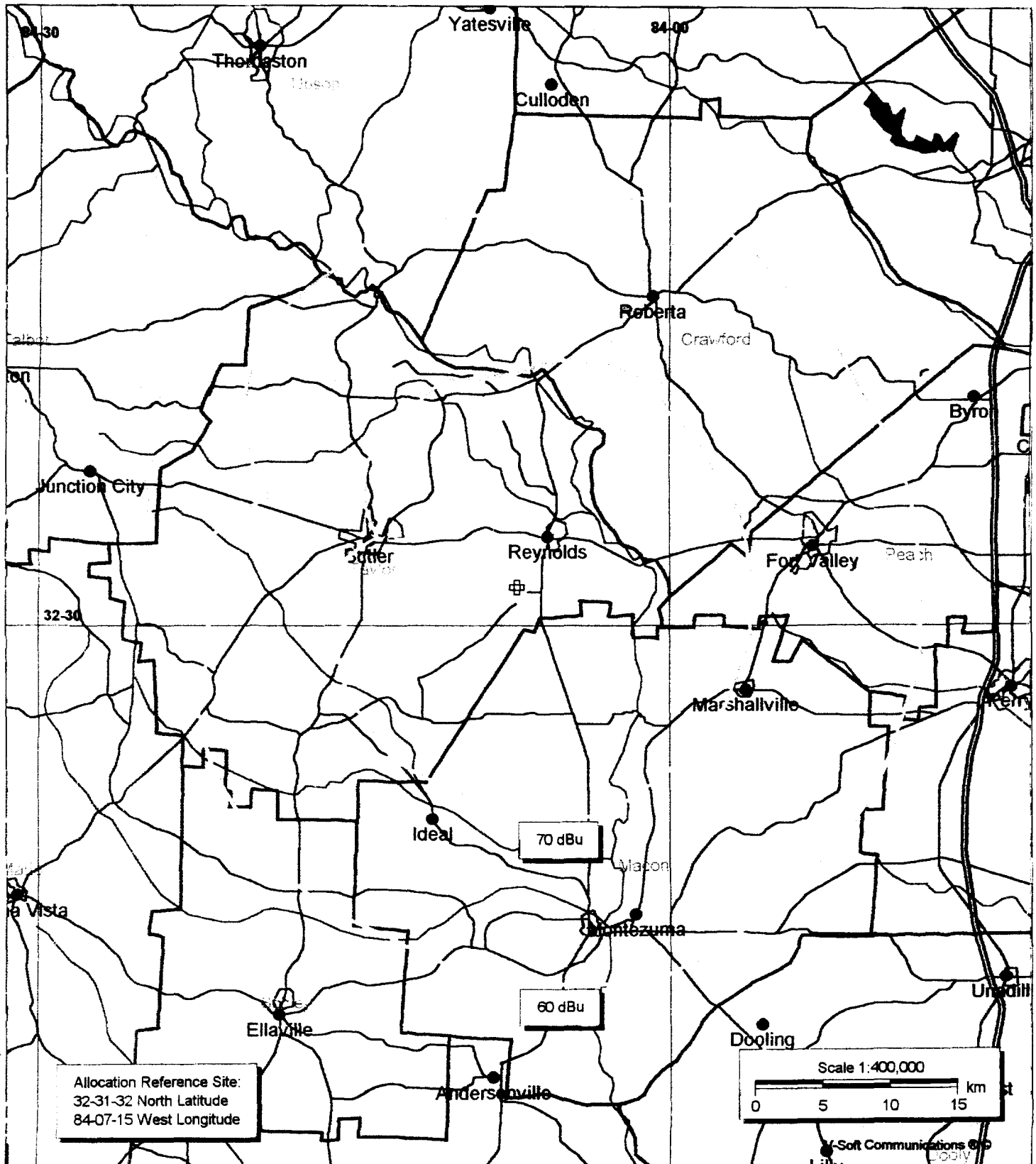


EXHIBIT #2
60 and 70 dBu Contours
Counterproposal to MM Docket No. 01-05
Fort Valley State University
Reynolds, Georgia

Bromo Communications, Inc.
Atlanta, Georgia
March 2001

Attachment B

SIGNIFICANT HISTORICAL DATES

1895 - 1998

- 1895 -Founding of the institution at Fort Valley by leading white and negro citizens.
- 1902 -Mr. John W. Davison elected first principal.
- 1903 -The institution of Forsyth founded by Mr. William Merida Hubbard May.
- 1904 -Miss Anna Jeanes donated money for the erection of Jeanes Hall.
- 1908 -Mr. Collis P. Huntington donated money for the erection of Huntington Hall.
- 1916 -The College laundry was erected.
- 1919 -The institution became affiliated with the American Church Institute of the Protestant Episcopal Church.
- 1925 -Carnegie Foundation provided funds for the erection of the Carnegie Library.
- 1926 -Mr. Royal C. Peabody provided funds for the erection of the Peabody Trades Building.
- 1929 -Academic Building erected with funds contributed by the General Education Board and friends.
- 1930 -Ohio Hall erected with funds contributed by the Episcopal Church of the State of Ohio.
- 1931 -Mr. Hunt awarded the Springarn Medal.
- 1932 -Mr. Samuel Henry Bishop donated funds for the erection of the dining hall.
- 1934 -The original college infirmary erected and dedicated to Mrs. Florence Hunt.
- 1937 -Robert W. Patton Home Economics Building erected.
- 1938 -Mr. Henry Alexander Hunt died October 1.
- 1939 -Dr. Horace Mann Bond elected first President. Mr. Williams Merida Hubbard appointed Director of Public Relations.
- 1941 -Mr. Hubbard died March 21. Cooperative houses erected and named in his honor.

1945 -Dr. Horace Mann Bond resigned from the presidency.

-Dr. Cornelius V. Troup was appointed second President.

1946 -Veterans Unit constructed.

1947 -Temporary Agriculture building erected.

-Designated the 1890 Land-Grant College for Negroes by the Board of Regents.

1948 -John W. Davison Hall dedicated.

1949 -Officially designated the Land-Grant for Negroes by the Georgia Legislature.

1951 -Miss Catherine Hardy, an outstanding Fort Valley State College track star, established a new world record for the women's 50 yard dash at New York City. She also participated in the 1952 Olympic Games at Helsinki, Finland.

Significant Historical Events (continued)

1952 -Henry Alexander Hunt Memorial Library dedicated April 29.

1953 -The Home Management House for Home Economics, Maintenance Warehouse for the Buildings and Grounds Department, General Purpose Barn, Farm Equipment Shed, and Deep Well for the Division of Agriculture were made available for college use early in 1953.

1954 -Alva Tabor Agriculture Building opened for occupancy on October 10.

1957 -Football Stadium constructed.

-The College received full membership in the Southern Association of Colleges and Schools, and was among the first Negro colleges to be admitted.

-The Graduate Division was begun in the Fall.

1959 -George N. Woodward Health and Physical Education Building dedicated December 11.

1963 -Isaac Miller Science Building dedicated November 24.

1964 -Sophia Moore Dormitory dedicated October 10.

1965 -Anthony D. Watson Dormitory dedicated November 21.

1966 -Henrietta Walden Myers Hall opened for occupancy.

-William Madison Boyd Hall opened for occupancy.

-Dr. C. V. Troup retired as President June 20.

-Dr. W. W. E. Blanchet appointed third President.

1967 -Lottie M. Lyons Student Union Building opened for occupancy.

1968 -Agricultural Mechanics Building opened for occupancy.

1970 -Robert W. Patton renovated for Music Department.

-New dormitory for women opened for occupancy.

-Royal C. Peabody Trades Building renovated for Division of Business.

Mr. Thomas Palmer was appointed Dean of Students, July 1.

1971 -The College became accredited by the National Council for the Accreditation of Teacher Education (NCATE).

1972 -Food Service Center erected.

-First regionally televised football games - ABC Television (FVSC vs Fisk University at Wildcat Stadium).

1973 -Dr. W. W. E. Blanchet retired as President; received Emeritus status.

-Dr. C. W. Pettigrew appointed fourth President.

1974 -Collis P. Huntington Hall renovated for administrative offices.

-First acquisition of property on State College Drive.

1975 -Annex to Sophia Moore Hall completed.

-New Florence Hunt Infirmary opened for occupancy.

1976 -Renovation of John W. Davison completed.

-The new Henry Alexander Hunt Memorial Library opened for occupancy.

-Horace Mann Bond classroom building dedicated.

1977 -Dr. C. V. Troup died May 9.

1978 -Animal Health Technology Building completed and opened for occupancy.

Significant Historical Events (continued)

-Dr. W. S. M. Banks retired as Dean of Faculty; received Emeritus status.

-Dr. Walter W. Sullivan appointed as Academic Dean.

-The College became accredited by the Engineering Council for Professional Development/Accreditation Board of Engineering and Technology (ECPD/ABET).

1979 -The Plant Operations and Maintenance Building named "The Albert T. Wilson-Timothy Roberts Building."

-The Agricultural Mechanics Building named for Dr. Cozy L. Ellison.

-The Leroy Bywaters Business Building opened for occupancy.

-The "Perimeter Road" named Memorial Drive.

-The College became accredited by the American Association of Veterinary Medicine.

1980 -Ms. Homie Regulus retired as Librarian June 30; received Emeritus status.

-Fort Valley State College's first Fact Book was produced by the Office of Institutional Research and Planning, Dr. John B. Dubriel, Acting Director and Ms. Wanda Bembry, Secretary.

1981 -Dr. John B. Dubriel presented a research paper at the Fifth Conference of the International Group for the Psychology of Mathematical Education Grenoble, France, July 13-18.

-Ms. Homie Regulus died September 27.

-The circle at the front entrance of the campus was named "College Circle."

-Dr. Constance N. M. Palms and Dr. Donnie Bellamy were appointed as Regents Professors.

1982 -Dr. C. W. Pettigrew died June 11.

-Dr. Walter W. Sullivan appointed Acting President and continued to serve as Dean of Academic Affairs.

-The Fort Valley State College Wildcat Football Team was selected to the NCAA Division II Playoffs, Quarter Final Round in San Marcos, Texas.

-The C. W. Pettigrew Endowment Fund was initiated.

-The Fort Valley State College Wildkittens Basketball Team was selected to the NCAA Division II.

-Women's Basketball Championship Quarter Finals at Omaha, Nebraska.

-The Fort Valley State College Wildkittens Basketball Team placed to play in the Semi-Finals at Pomona, California.

-The Learning Resource Center initiated the Homie Regulus Collections.

1983 -Dr. Wilsie G. Jenkins was appointed Acting Dean of Academic Affairs and continued to serve as Associate Dean of Undergraduate Programs, September 12.

-Dr. Luther Burse was appointed fifth President, October 1.

Significant Historical Events (continued)

1984 -Dr. Wilsie G. Jenkins was appointed Interim Vice President for Academic Affairs, September 1.

-Dr. John B. Dubriel presented a research paper at the Fifth International Congress on Mathematics Education, Adelaide, Australia, August 20-30.

-Dr. Donnie D. Bellamy was appointed Regents Professor for the second time.

1985 -Dr. David Williams was appointed Vice President for Academic Affairs, July 1.

-Fort Valley State College appeared on ABC TV's "Good Morning America", May 16.

1986 -Fort Valley State College received approval to offer the Bachelor of Science Degree in Veterinary Science.

-The Academic Honors Programs was initiated with Dr. William D. Moorehead, Sr. serving as Program Director.

1987 -Fort Valley State College received approval to offer Computer Science courses at Robins Air Force Base, Warner Robins, Georgia.

-The C. W. Pettigrew Farm and Community Life Center was dedicated.

-The Georgia Small Ruminant Research and Extension Center under the auspices of the Agricultural Research Station became fully operational.

-Dr. N. Alan Sheppard was appointed Vice President for Academic Affairs, November 1.

1988 -Dr. John B. Dubriel played a major role at the Sixth International Congress on Mathematical Education, Budapest Hungary, July 27-August 3.

Dr. Melvin E. Walker, Jr. was appointed Acting President for Fort Valley State College.

1989 -Dr. Wilsie G. Jenkins was appointed Acting Vice President for Academic Affairs, July 1.

1990 -Dr. Oscar L. Prater was appointed sixth President, August 9.

Dr. John B. Dubriel was appointed Director for Institutional Research, Planning and Services, September.

1992 -Mrs. Shirley L. Williams was appointed Vice President for Business and Finance, July 15.

-Dr. Nathaniel Pugh, Jr. was appointed Vice President for Academic Affairs, September 1.

-Dr. Linda A. Hall was appointed Director for Institutional Advancement, September 1.

1994 -Centennial Inauguration and Founders' Day Celebration, November 3.

1995 -The Computer Technology Mathematics Building was opened for occupancy on August 18.

-Changed from a Level III to a Level IV School by Southern Association of Colleges and Schools (SACS).

Significant Historical Events (continued)

1996 -Fort Valley State College became Fort Valley State University, A State and Land-Grant University, June 12.

-Dr. Josephine D. Davis was appointed Vice President for Academic Affairs, July 1.

-Opening Convocation for displaying the new University seal, October 1.

-Opening Convocation for the new access road which was named University Boulevard, October 1.

1997 -Dr. Cynthia Sellers was appointed Vice President for Student Affairs, September 1.

Mr. Thomas Palmer retired as Vice President for Student Affairs.

1998 -Mr. Gregory Homer was appointed Associate Vice President for Student Affairs, July 1.

Ribbon Cutting Ceremony for The Meat Technology Center, College of Agriculture, Home Economics and Allied Programs, April 21.


CERTIFICATE OF SERVICE

I, Angela Powell, a paralegal in the law offices of Smithwick & Belendiuk, P.C., certify
that on this 5th day of March 2001, copies of the foregoing were mailed to the following:

Ms. Leslie K. Shapiro*
Federal Communications Commission
Washington, D. C. 20554

Mr. H. David Hedrick
P. O. Box 27
317 Stonegables Court
Gray, Georgia 31032
(Petitioner)

BK Radio
1809 Lightsey Road
Austin, TX 78704


Angela Powell

(*) by hand